

### **REMARKS / ARGUMENTS**

Claims 9-22 have been canceled without prejudice or disclaimer. New claims 23-27 have been added.

### **Information Disclosure Statement**

The foreign language document submitted with the Information Disclosure Statement on July 11, 2008, is a copy of an Office Action in the corresponding Japanese patent application. It is believed that no translation is necessary.

### **Specification**

The specification has been amended on pages 6-8 to further clarify that the first rack rotor 7 is the same as the first buffer 7 and that the second rack rotor 12 is the same as the second buffer.

Page 7 has been further amended to describe that the first rack rotor 7 is a sample buffer for holding a plurality of sample containers containing samples as initially described on page 3, lines 22 and 23 of the specification. The specification has also been amended on page 7 to clarify that when the description states that the conveyer line is movable "in both-way" it means that the conveyer line is movable back and forth. The specification has also been amended on page 8 to further define the second conveyer 9 and the fourth conveyer line 22 as movable back and forth as previously described on page 8.

Finally, the specification has been amended on page 16 to identify the second buffer unit with the numeral 40 in the second embodiment and on page 20 to define the second buffer unit with the numeral 41 in the third embodiment of Fig. 8.

The requested amendments to the specification do not add new matter and therefore are respectfully requested to be approved.

### **Drawings**

The two new attached replacement sheets for Figs. 7 and 8 replace previous replacement sheets for Figs. 7 and 8 filed November 21, 2007. The numeral 40 has been added to Fig. 7 to indicate a second buffer in the second embodiment and the numeral 41 has been added to Fig. 8 to indicate a second buffer in the third embodiment.

It is respectfully requested that these amendments to the drawings be approved.

### **35 U.S.C. §112**

The rejection of claims 9-22 under 35 U.S.C. §112, first and second paragraphs, has been rendered moot by the cancellation of those claims without prejudice or disclaimer in favor of new claims 23-27. It is submitted that the new claims satisfy the requirements of this section.

**35 U.S.C. §102**

Claims 9, 11-14, 16-19 and 21 stand rejected under 35 U.S.C. §102(e) as being anticipated by Devlin, Sr. et al. (U.S. Pub. No. 2003/0202905). Claims 10, 15 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Devlin, Sr. et al. in view of Takahashi et al. (U.S. Patent No. 6,290,907). These rejections are traversed as follows.

**Patentability of the Claims**

According to the present invention as recited in new independent claim 23, the automatic analyzer has at least two analytical modules for analyzing living body samples, at least two conveyer lines for conveying sample racks, and first and second sample buffers holding a plurality of the sample racks. Desired ones of the sample racks held in the sample buffers are supplied to the conveyer lines and received from the conveyer lines. One of the sample buffers has at least one independent line extended parallel to the conveyer units with the sample racks being arranged on the independent line in one direction parallel to the conveyer units. A sample loading unit supplies the sample racks to the sample buffers. A sample collection unit collects the sample racks from the sample buffers. A line switching unit moves the sample racks to the independent line from the conveyer units. Thus, claim 23 is directed to the embodiment of Figs. 7 and 8.

Dependent claim 27 further recites an urgent sample loading unit for receiving an urgent sample and conveying it to the first sample buffer and a controller for controlling various functions of one of the analytical modules and the conveyer lines.

Therefore, the sample rack buffers of the presently claimed invention can transport and receive the sample racks. None of the cited references disclose or suggest these features of the presently claimed invention.

The Examiner relies upon sample rack transport systems 70 and 76 shown in Fig. 5 of Devlin, Sr. et al. to correspond to the sample rack buffers of the presently claimed invention. However, system 20 of Devlin is a one-way incoming sample rack transport system that transports a rack to a bi-directional shuttle (conveying line) 68 and does not receive a rack from conveying line 68. System 76 is a one-way outgoing sample rack transport system that receives a rack from the conveying line 68 and does not transport a rack to the conveying line 68. Thus, systems 70 and 76 of Devlin, Sr. et al. are completely different from the sample rack buffers of the presently claimed invention.

Furthermore, Devlin, Sr. et al. shows a rotatable base 82 in Fig. 6. However, the sample buffer 40, disclosed for example in the present application, is quite different from the rotatable 82 of Devlin, Sr. et al.

The deficiencies in Devlin, Sr. et al. are not overcome by resort to Takahashi et al. Takahashi et al. show a buffer unit (2 a, 2 b) in Fig. 2. However, the construction of these buffer units is quite different from the sample buffers 40 and 41 disclosed in the present application. As such, it is submitted that pending claims 23-27 patentably define the present invention over the cited art.

**Conclusion**

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination are respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. KAS-197).

Respectfully submitted,

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